



General Assembly

January Session, 2007

Raised Bill No. 1248

LCO No. 4171

04171_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING REVISIONS TO CERTAIN CRIMINAL
STATUTES AND RESTRICTING THE DISCLOSURE OF PERSONAL
INFORMATION OF EMPLOYEES OF THE DIVISION OF CRIMINAL
JUSTICE.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 53a-172 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) A person is guilty of failure to appear in the first degree when (1)
4 while charged with the commission of a felony and while out on bail
5 or released under other procedure of law, [he] such person wilfully
6 fails to appear when legally called according to the terms of [his] such
7 person's bail bond or promise to appear, or (2) while on probation for
8 conviction of a felony, [he] such person wilfully fails to appear when
9 legally called for [a violation of probation hearing] any court hearing
10 relating to a violation of such probation.

11 (b) Failure to appear in the first degree is a class D felony.

12 Sec. 2. Section 53a-173 of the general statutes is repealed and the
13 following is substituted in lieu thereof (*Effective October 1, 2007*):

14 (a) A person is guilty of failure to appear in the second degree when
15 (1) while charged with the commission of a misdemeanor or a motor
16 vehicle violation for which a sentence to a term of imprisonment may
17 be imposed and while out on bail or released under other procedure of
18 law, [he] such person wilfully fails to appear when legally called
19 according to the terms of [his] such person's bail bond or promise to
20 appear, or (2) while on probation for conviction of a misdemeanor or
21 motor vehicle violation, [he] such person wilfully fails to appear when
22 legally called for [a violation of probation hearing] any court hearing
23 relating to a violation of such probation.

24 (b) Failure to appear in the second degree is a class A misdemeanor.

25 Sec. 3. Section 53a-92a of the general statutes is repealed and the
26 following is substituted in lieu thereof (*Effective October 1, 2007*):

27 (a) A person is guilty of kidnapping in the first degree with a
28 firearm when [he] such person commits kidnapping in the first degree
29 as provided in section 53a-92, and in the commission of said crime [he]
30 such person uses or is armed with and threatens the use of or displays
31 or represents by [his] such person's words or conduct that [he] such
32 person possesses a pistol, revolver, machine gun, shotgun, rifle or
33 other firearm. No person shall be convicted of kidnapping in the first
34 degree and kidnapping in the first degree with a firearm upon the
35 same transaction but such person may be charged and prosecuted for
36 both such offenses upon the same information.

37 (b) Kidnapping in the first degree with a firearm is a class A felony.
38 [for which one year of the sentence imposed may not be suspended or
39 reduced by the court.]

40 Sec. 4. Section 53a-300 of the general statutes is repealed and the
41 following is substituted in lieu thereof (*Effective October 1, 2007*):

42 [(a) A person is guilty of an act of terrorism when such person, with
43 intent to intimidate or coerce the civilian population or a unit of

44 government, commits a felony involving the unlawful use or
45 threatened use of physical force or violence.

46 (b) When any person has been found guilty of an act of terrorism,]
47 If a person (1) stands convicted of a felony involving the unlawful use
48 or threatened use of physical force or violence, and (2) committed such
49 felony with intent to intimidate or coerce the civilian population or a
50 unit of government, and the court is of the opinion that such person's
51 history and character and the nature and circumstances of such
52 person's criminal conduct indicate that an increased penalty will best
53 serve the public interest, the court shall, in lieu of imposing the
54 sentence authorized for the crime under section 53a-35a, impose the
55 sentence of imprisonment authorized by said section for the next more
56 serious degree of felony.

57 Sec. 5. Subsection (e) of section 14-10 of the general statutes is
58 repealed and the following is substituted in lieu thereof (*Effective*
59 *October 1, 2007*):

60 (e) In the event (1) a federal court judge, federal court magistrate or
61 judge of the Superior Court, Appellate Court or Supreme Court of the
62 state, (2) a member of a municipal police department or a member of
63 the Division of State Police within the Department of Public Safety, (3)
64 an employee of the Department of Correction, (4) an attorney-at-law
65 who represents or has represented the state in a criminal prosecution,
66 [or] (5) a member or employee of the Board of Pardons and Paroles, or
67 (6) an employee of the Division of Criminal Justice submits a written
68 request and furnishes such individual's business address to the
69 commissioner, such business address only shall be disclosed or
70 available for public inspection to the extent authorized by this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	53a-172
Sec. 2	<i>October 1, 2007</i>	53a-173

Sec. 3	<i>October 1, 2007</i>	53a-92a
Sec. 4	<i>October 1, 2007</i>	53a-300
Sec. 5	<i>October 1, 2007</i>	14-10(e)

Statement of Purpose:

To provide that the crime of failure to appear is committed when a person on probation wilfully fails to appear at any court hearing relating to a violation of that probation, resolve an irreconcilable conflict in the penalties for kidnapping in the first degree and kidnapping in the first degree with a firearm, provide an enhanced penalty for violent felonies committed with intent to intimidate or coerce the civilian population or a unit of government and restrict the disclosure by the Department of Motor Vehicles of personal information of employees of the Division of Criminal Justice.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]